

invention can be practiced with a non-semiconductive probe material. Applicants disagree with the restriction requirement.

The Examiner will inevitably search appropriate classes as clear from the restriction indicating that both groups include claims drawn to apparatus classified in the identical class and subclass. Accordingly, eliminating any set of claims will not reduce the scope of searching and there are no efficiencies gained by imposing a restriction requirement.

To the contrary, there is an increased burden on the PTO, the Applicants and ultimately on the public in prosecuting multiple, separate patent applications. There are increased costs associated with conducting multiple searches in multiple applications and multiple examinations for an invention that can be efficiently searched and examined in a single case as evidenced by the Examiner's classification of both groups of claims in identical classes and subclasses. The pertinent public will be unduly burdened if the requirement is maintained by being compelled to review multiple issued patents and file histories instead of a single issued patent and single file history.

For at least the above mentioned reasons, Applicants respectfully assert that restriction requirement is improper and request consideration of all pending claims at this time. In the event that the restriction is not withdrawn, Applicants provisionally elect Group I including claims 31-42 and 54-61.

The Examiner is requested to phone the undersigned if the Examiner believes such


would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: _____

10/4/01

By: _____



James D. Shaurette
Reg. No. 39,833